

EXPLANATORY MEMORANDUM TO

The Animal By-Products (Enforcement) Regulations (Northern Ireland) 2015

SR No. 332

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Agriculture and Rural Development to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Section 2(2) of the European Communities Act and is subject to the negative resolution procedure.

2. Purpose

- 2.1. To consolidate the Animal By-Products (Enforcement) Regulations (Northern Ireland) 2011 taking into account EU changes, proposed and existing amendments into one instrument, the Animal By-Products (Enforcement) Regulation (Northern Ireland) 2015.

3. Background

- 3.1. The Animal By-Products (Enforcement) Regulations (NI) 2011 were made to implement and enforce EU Regulations 1069/2009 and 142/2011 in Northern Ireland.
- 3.2. Since making the Regulations in 2011, two amendments have already been made. In July 2011, following advice from the Examiner of Statutory Rules, an amendment was made to the penalties provisions and more recently following revocation of the Animal By-Products (Identification) Regulations 1999, the staining provisions were incorporated into the enforcement regulations.
- 3.3. The Department carried out a review of the Animal By-Products (Enforcement) Regulations (NI) 2011. This has taken account; EU changes, proposed and existing amendments. It is proposed to consolidate the provisions into one instrument, the Animal By-Products (Enforcement) Regulations (Northern Ireland) 2015.

4. Consultation

- 4.1. A public consultation on the proposals was carried out by the Department. The consultation was issued to stakeholders on 10 October 2014 and closed on 2 January 2015. The consultation documents were also placed on the Department's website.
- 4.2. There were five responses to the consultation. The comments received have been considered and a reply has been forwarded to all respondents clarifying issues raised. The consultation responses had either no objection or were supportive of the proposals.

5. Equality Impact

- 5.1. In accordance with the Department's obligation under Section 75 of the Northern Ireland Act 1988, the equality implications have been assessed.

The Department considers this amendment will not result in any equality differentials amongst Section 75 groups.

6. Regulatory Impact

- 6.1. A consultation stage Impact Assessment (IA) on the proposals which identified sectors affected, cost and benefits, accompanied the consultation. The impact of the proposals is not expected to be significant on any stakeholder/business.

7. Financial Implications

- 7.1. Not applicable.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Regulations are deemed to comply with Section 24 of the Northern Ireland Act 1998.

9. EU Implications

- 9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. DEFRA, the Scottish Government and the Welsh Government have completed a similar review and have updated their Animal By-Products (Enforcement) Regulations.
- 10.2. There has not been a similar review in the ROI as their legislation is structured differently.

11. Additional Information

- 11.1. The proposed Regulations are being brought to the attention of the Executive as they are a cross-cutting matter under the terms of paragraph 2.4 of the Ministerial Code as there are amendments to the appeals procedure and include offences and penalties which are the responsibility of the Minister of Justice. DARD Officials have consulted with officials in the Department of Justice and the Northern Ireland Court Service.
- 11.2. The regulations were submitted to the Executive meeting on 7 July 2015 following consideration by the Agriculture and Rural Development Committee.